

LEWIS BRISBOIS BISGAARD & SMITH LLP

JOSEPH A. SALAZAR JR., SB# 169551

E-Mail: Joe.Salazar@lewisbrisbois.com

RYAN MATTHEWS, SB# 311674

E-Mail: Ryan.Matthews@lewisbrisbois.com

2020 West El Camino Avenue, Suite 700

Sacramento, California 95833

Telephone: 916.564.5400

Facsimile: 916.564.5444

Attorneys for Defendant, ACCURATE
STEEL TREATING, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

LOS ANGELES WATERKEEPER,

Plaintiff,

vs.

ACCURATE STEEL TREATING,
INC.,

Defendant.

Case No. 2:24-cv-07503-SK

ANSWER TO COMPLAINT

Judge: Magistrate Steve Kim, Crtrm.
540, 5th Floor

Trial Date: None Set

COMES NOW Defendant, ACCURATE STEEL TREATING, INC.

("Defendant") and in answering the Complaint of Plaintiffs LOS ANGELES
WATERKEEPER ("Plaintiff"), herein deny and allege as follows:

I. JURISDICTION AND VENUE

1. The allegations in this Paragraph are legal conclusions which do not
require a response. To the extent such a response is required, Defendant responds:
Deny.

2. Defendant lacks sufficient information at this time to affirmatively
admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

3. Defendant lacks sufficient information at this time to affirmatively
admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

4. The allegations in this Paragraph are legal conclusions which do not

1 require a response. To the extent such a response is required, Defendant responds:
2 Deny.

3 **II. INTRODUCTION**

4 5. Defendant Admits the allegations of this Paragraph.

5 6. The allegations in this Paragraph are legal conclusions which do not
6 require a response. To the extent such a response is required, Defendant responds:
7 Deny.

8 7. The allegations in this Paragraph are legal conclusions which do not
9 require a response. To the extent such a response is required, Defendant responds:
10 Deny.

11 8. The allegations in this Paragraph are legal conclusions which do not
12 require a response. To the extent such a response is required, Defendant responds:
13 Deny.

14 9. The allegations in this Paragraph are legal conclusions which do not
15 require a response. To the extent such a response is required, Defendant responds:
16 Deny.

17 10. The allegations in this Paragraph are legal conclusions which do not
18 require a response. To the extent such a response is required, Defendant responds:
19 Deny.

20 11. The allegations in this Paragraph are legal conclusions which do not
21 require a response. To the extent such a response is required, Defendant responds:
22 Deny.

23 12. The allegations in this Paragraph are legal conclusions which do not
24 require a response. To the extent such a response is required, Defendant responds:
25 Deny.

26 13. The allegations in this Paragraph are legal conclusions which do not
27 require a response. To the extent such a response is required, Defendant responds:
28 Deny.

1 14. The allegations in this Paragraph are legal conclusions which do not
2 require a response. To the extent such a response is required, Defendant responds:
3 Deny.

4 15. The allegations in this Paragraph are legal conclusions which do not
5 require a response. To the extent such a response is required, Defendant responds:
6 Deny.

7 16. The allegations in this Paragraph are legal conclusions which do not
8 require a response. To the extent such a response is required, Defendant responds:
9 Deny.

10 17. The allegations in this Paragraph are legal conclusions which do not
11 require a response. To the extent such a response is required, Defendant responds:
12 Deny.

13 18. The allegations in this Paragraph are legal conclusions which do not
14 require a response. To the extent such a response is required, Defendant responds:
15 Deny.

16 19. The allegations in this Paragraph are legal conclusions which do not
17 require a response. To the extent such a response is required, Defendant responds:
18 Deny.

19 20. The allegations in this Paragraph are legal conclusions which do not
20 require a response. To the extent such a response is required, Defendant responds:
21 Deny.

22 21. The allegations in this Paragraph are legal conclusions which do not
23 require a response. To the extent such a response is required, Defendant responds:
24 Deny.

25 22. The allegations in this Paragraph are legal conclusions which do not
26 require a response. To the extent such a response is required, Defendant responds:
27 Deny.

28 23. The allegations in this Paragraph are legal conclusions which do not

1 require a response. To the extent such a response is required, Defendant responds:
2 Deny.

3 24. The allegations in this Paragraph are legal conclusions which do not
4 require a response. To the extent such a response is required, Defendant responds:
5 Deny.

6 25. The allegations in this Paragraph are legal conclusions which do not
7 require a response. To the extent such a response is required, Defendant responds:
8 Deny.

9 **III. PARTIES**

10 26. Defendant lacks sufficient information at this time to affirmatively
11 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

12 27. Defendant lacks sufficient information at this time to affirmatively
13 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

14 28. Defendant lacks sufficient information at this time to affirmatively
15 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

16 29. Defendant lacks sufficient information at this time to affirmatively
17 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

18 30. Defendant lacks sufficient information at this time to affirmatively
19 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

20 31. Defendant lacks sufficient information at this time to affirmatively
21 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

22 32. Defendant lacks sufficient information at this time to affirmatively
23 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

24 33. The allegations in this Paragraph are legal conclusions which do not
25 require a response. To the extent such a response is required, Defendant responds:
26 Deny.

27 34. Defendant Admits the allegations of this Paragraph.

28 35. The allegations in this Paragraph are legal conclusions which do not

1 require a response. To the extent such a response is required, Defendant responds:
2 Deny.

3 36. The allegations in this Paragraph are legal conclusions which do not
4 require a response. To the extent such a response is required, Defendant responds:
5 Deny.

6 37. The allegations in this Paragraph are legal conclusions which do not
7 require a response. To the extent such a response is required, Defendant responds:
8 Deny.

9 **IV. LEGAL BACKGROUND**

10 A. Clean Water Act

11 38. The allegations in this Paragraph are legal conclusions which do not
12 require a response. To the extent such a response is required, Defendant responds:
13 Deny.

14 39. The allegations in this Paragraph are legal conclusions which do not
15 require a response. To the extent such a response is required, Defendant responds:
16 Deny.

17 40. The allegations in this Paragraph are legal conclusions which do not
18 require a response. To the extent such a response is required, Defendant responds:
19 Deny.

20 41. The allegations in this Paragraph are legal conclusions which do not
21 require a response. To the extent such a response is required, Defendant responds:
22 Deny.

23 42. The allegations in this Paragraph are legal conclusions which do not
24 require a response. To the extent such a response is required, Defendant responds:
25 Deny.

26 43. The allegations in this Paragraph are legal conclusions which do not
27 require a response. To the extent such a response is required, Defendant responds:
28 Deny.

1 44. The allegations in this Paragraph are legal conclusions which do not
2 require a response. To the extent such a response is required, Defendant responds:
3 Deny.

4 45. The allegations in this Paragraph are legal conclusions which do not
5 require a response. To the extent such a response is required, Defendant responds:
6 Deny.

7 B. California's General Industrial Storm Water Permit

8 46. The allegations in this Paragraph are legal conclusions which do not
9 require a response. To the extent such a response is required, Defendant responds:
10 Deny.

11 47. The allegations in this Paragraph are legal conclusions which do not
12 require a response. To the extent such a response is required, Defendant responds:
13 Deny.

14 48. The allegations in this Paragraph are legal conclusions which do not
15 require a response. To the extent such a response is required, Defendant responds:
16 Deny.

17 49. The allegations in this Paragraph are legal conclusions which do not
18 require a response. To the extent such a response is required, Defendant responds:
19 Deny.

20 50. The allegations in this Paragraph are legal conclusions which do not
21 require a response. To the extent such a response is required, Defendant responds:
22 Deny.

23 51. The allegations in this Paragraph are legal conclusions which do not
24 require a response. To the extent such a response is required, Defendant responds:
25 Deny.

26 52. The allegations in this Paragraph are legal conclusions which do not
27 require a response. To the extent such a response is required, Defendant responds:
28 Deny.

1 53. The allegations in this Paragraph are legal conclusions which do not
2 require a response. To the extent such a response is required, Defendant responds:
3 Deny.

4 54. The allegations in this Paragraph are legal conclusions which do not
5 require a response. To the extent such a response is required, Defendant responds:
6 Deny.

7 55. The allegations in this Paragraph are legal conclusions which do not
8 require a response. To the extent such a response is required, Defendant responds:
9 Deny.

10 56. The allegations in this Paragraph are legal conclusions which do not
11 require a response. To the extent such a response is required, Defendant responds:
12 Deny.

13 57. The allegations in this Paragraph are legal conclusions which do not
14 require a response. To the extent such a response is required, Defendant responds:
15 Deny.

16 58. The allegations in this Paragraph are legal conclusions which do not
17 require a response. To the extent such a response is required, Defendant responds:
18 Deny.

19 59. The allegations in this Paragraph are legal conclusions which do not
20 require a response. To the extent such a response is required, Defendant responds:
21 Deny.

22 60. The allegations in this Paragraph are legal conclusions which do not
23 require a response. To the extent such a response is required, Defendant responds:
24 Deny.

25 61. The allegations in this Paragraph are legal conclusions which do not
26 require a response. To the extent such a response is required, Defendant responds:
27 Deny.

28 62. The allegations in this Paragraph are legal conclusions which do not

1 require a response. To the extent such a response is required, Defendant responds:
2 Deny.

3 63. The allegations in this Paragraph are legal conclusions which do not
4 require a response. To the extent such a response is required, Defendant responds:
5 Deny.

6 64. The allegations in this Paragraph are legal conclusions which do not
7 require a response. To the extent such a response is required, Defendant responds:
8 Deny.

9 65. The allegations in this Paragraph are legal conclusions which do not
10 require a response. To the extent such a response is required, Defendant responds:
11 Deny.

12 66. The allegations in this Paragraph are legal conclusions which do not
13 require a response. To the extent such a response is required, Defendant responds:
14 Deny.

15 67. The allegations in this Paragraph are legal conclusions which do not
16 require a response. To the extent such a response is required, Defendant responds:
17 Deny.

18 68. The allegations in this Paragraph are legal conclusions which do not
19 require a response. To the extent such a response is required, Defendant responds:
20 Deny.

21 69. The allegations in this Paragraph are legal conclusions which do not
22 require a response. To the extent such a response is required, Defendant responds:
23 Deny.

24 70. The allegations in this Paragraph are legal conclusions which do not
25 require a response. To the extent such a response is required, Defendant responds:
26 Deny.

27 71. The allegations in this Paragraph are legal conclusions which do not
28 require a response. To the extent such a response is required, Defendant responds:

1 Deny.

2 72. The allegations in this Paragraph are legal conclusions which do not
3 require a response. To the extent such a response is required, Defendant responds:
4 Deny.

5 73. The allegations in this Paragraph are legal conclusions which do not
6 require a response. To the extent such a response is required, Defendant responds:
7 Deny.

8 74. The allegations in this Paragraph are legal conclusions which do not
9 require a response. To the extent such a response is required, Defendant responds:
10 Deny.

11 **V. STATEMENT OF FACTS**

12 A. The Facility

13 75. Defendant Admits the allegations of this Paragraph.

14 76. Defendant lacks sufficient information at this time to affirmatively
15 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

16 77. Defendant lacks sufficient information at this time to affirmatively
17 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

18 78. The allegations in this Paragraph are legal conclusions which do not
19 require a response. To the extent such a response is required, Defendant responds:
20 Deny.

21 79. Defendant Admits the allegations of this Paragraph.

22 80. Defendant Admits the allegations of this Paragraph.

23 81. The allegations in this Paragraph are legal conclusions which do not
24 require a response. To the extent such a response is required, Defendant responds:
25 Deny.

26 82. Defendant lacks sufficient information at this time to affirmatively
27 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

28 83. Defendant lacks sufficient information at this time to affirmatively

1 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

2 84. Defendant lacks sufficient information at this time to affirmatively
3 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

4 85. Defendant lacks sufficient information at this time to affirmatively
5 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

6 86. The allegations in this Paragraph are legal conclusions which do not
7 require a response. To the extent such a response is required, Defendant responds:
8 Deny.

9 87. The allegations in this Paragraph are legal conclusions which do not
10 require a response. To the extent such a response is required, Defendant responds:
11 Deny.

12 88. The allegations in this Paragraph are legal conclusions which do not
13 require a response. To the extent such a response is required, Defendant responds:
14 Deny.

15 89. The allegations in this Paragraph are legal conclusions which do not
16 require a response. To the extent such a response is required, Defendant responds:
17 Deny.

18 90. The allegations in this Paragraph are legal conclusions which do not
19 require a response. To the extent such a response is required, Defendant responds:
20 Deny.

21 B. The Facility's Storm Water Discharges

22 91. Defendant lacks sufficient information at this time to affirmatively
23 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

24 92. The allegations in this Paragraph are legal conclusions which do not
25 require a response. To the extent such a response is required, Defendant responds:
26 Deny.

27 93. The allegations in this Paragraph are legal conclusions which do not
28 require a response. To the extent such a response is required, Defendant responds:

1 Deny.

2 94. The allegations in this Paragraph are legal conclusions which do not
3 require a response. To the extent such a response is required, Defendant responds:

4 Deny.

5 95. The allegations in this Paragraph are legal conclusions which do not
6 require a response. To the extent such a response is required, Defendant responds:

7 Deny.

8 96. The allegations in this Paragraph are legal conclusions which do not
9 require a response. To the extent such a response is required, Defendant responds:

10 Deny.

11 97. The allegations in this Paragraph are legal conclusions which do not
12 require a response. To the extent such a response is required, Defendant responds:

13 Deny.

14 98. The allegations in this Paragraph are legal conclusions which do not
15 require a response. To the extent such a response is required, Defendant responds:

16 Deny.

17 99. The allegations in this Paragraph are legal conclusions which do not
18 require a response. To the extent such a response is required, Defendant responds:

19 Deny.

20 100. The allegations in this Paragraph are legal conclusions which do not
21 require a response. To the extent such a response is required, Defendant responds:

22 Deny.

23 101. The allegations in this Paragraph are legal conclusions which do not
24 require a response. To the extent such a response is required, Defendant responds:

25 Deny.

26 102. The allegations in this Paragraph are legal conclusions which do not
27 require a response. To the extent such a response is required, Defendant responds:

28 Deny.

1 103. The allegations in this Paragraph are legal conclusions which do not
2 require a response. To the extent such a response is required, Defendant responds:
3 Deny.

4 104. The allegations in this Paragraph are legal conclusions which do not
5 require a response. To the extent such a response is required, Defendant responds:
6 Deny.

7 105. The allegations in this Paragraph are legal conclusions which do not
8 require a response. To the extent such a response is required, Defendant responds:
9 Deny.

10 106. The allegations in this Paragraph are legal conclusions which do not
11 require a response. To the extent such a response is required, Defendant responds:
12 Deny.

13 107. The allegations in this Paragraph are legal conclusions which do not
14 require a response. To the extent such a response is required, Defendant responds:
15 Deny.

16 108. The allegations in this Paragraph are legal conclusions which do not
17 require a response. To the extent such a response is required, Defendant responds:
18 Deny.

19 109. The allegations in this Paragraph are legal conclusions which do not
20 require a response. To the extent such a response is required, Defendant responds:
21 Deny.

22 110. The allegations in this Paragraph are legal conclusions which do not
23 require a response. To the extent such a response is required, Defendant responds:
24 Deny.

25 111. The allegations in this Paragraph are legal conclusions which do not
26 require a response. To the extent such a response is required, Defendant responds:
27 Deny.

28 112. The allegations in this Paragraph are legal conclusions which do not

1 require a response. To the extent such a response is required, Defendant responds:
2 Deny.

3 113. The allegations in this Paragraph are legal conclusions which do not
4 require a response. To the extent such a response is required, Defendant responds:
5 Deny.

6 114. The allegations in this Paragraph are legal conclusions which do not
7 require a response. To the extent such a response is required, Defendant responds:
8 Deny.

9 115. The allegations in this Paragraph are legal conclusions which do not
10 require a response. To the extent such a response is required, Defendant responds:
11 Deny.

12 116. The allegations in this Paragraph are legal conclusions which do not
13 require a response. To the extent such a response is required, Defendant responds:
14 Deny.

15 117. The allegations in this Paragraph are legal conclusions which do not
16 require a response. To the extent such a response is required, Defendant responds:
17 Deny.

18 118. The allegations in this Paragraph are legal conclusions which do not
19 require a response. To the extent such a response is required, Defendant responds:
20 Deny.

21 **VI. CLAIMS FOR RELIEF**

22 **FIRST CLAIM FOR RELIEF**

23 119. The allegations in this Paragraph are legal conclusions which do not
24 require a response. To the extent such a response is required, Defendant responds:
25 Deny.

26 120. The allegations in this Paragraph are legal conclusions which do not
27 require a response. To the extent such a response is required, Defendant responds:
28 Deny.

1 121. The allegations in this Paragraph are legal conclusions which do not
2 require a response. To the extent such a response is required, Defendant responds:
3 Deny.

4 122. The allegations in this Paragraph are legal conclusions which do not
5 require a response. To the extent such a response is required, Defendant responds:
6 Deny.

7 123. The allegations in this Paragraph are legal conclusions which do not
8 require a response. To the extent such a response is required, Defendant responds:
9 Deny.

10 124. The allegations in this Paragraph are legal conclusions which do not
11 require a response. To the extent such a response is required, Defendant responds:
12 Deny.

13 125. The allegations in this Paragraph are legal conclusions which do not
14 require a response. To the extent such a response is required, Defendant responds:
15 Deny.

16 126. The allegations in this Paragraph are legal conclusions which do not
17 require a response. To the extent such a response is required, Defendant responds:
18 Deny.

19 127. The allegations in this Paragraph are legal conclusions which do not
20 require a response. To the extent such a response is required, Defendant responds:
21 Deny.

22 **SECOND CLAIM FOR RELIEF**

23 128. The allegations in this Paragraph are legal conclusions which do not
24 require a response. To the extent such a response is required, Defendant responds:
25 Deny.

26 129. The allegations in this Paragraph are legal conclusions which do not
27 require a response. To the extent such a response is required, Defendant responds:
28 Deny.

1 130. The allegations in this Paragraph are legal conclusions which do not
2 require a response. To the extent such a response is required, Defendant responds:
3 Deny.

4 131. The allegations in this Paragraph are legal conclusions which do not
5 require a response. To the extent such a response is required, Defendant responds:
6 Deny.

7 132. The allegations in this Paragraph are legal conclusions which do not
8 require a response. To the extent such a response is required, Defendant responds:
9 Deny.

10 133. The allegations in this Paragraph are legal conclusions which do not
11 require a response. To the extent such a response is required, Defendant responds:
12 Deny.

13 134. The allegations in this Paragraph are legal conclusions which do not
14 require a response. To the extent such a response is required, Defendant responds:
15 Deny.

16 135. The allegations in this Paragraph are legal conclusions which do not
17 require a response. To the extent such a response is required, Defendant responds:
18 Deny.

19 136. The allegations in this Paragraph are legal conclusions which do not
20 require a response. To the extent such a response is required, Defendant responds:
21 Deny.

22 137. The allegations in this Paragraph are legal conclusions which do not
23 require a response. To the extent such a response is required, Defendant responds:
24 Deny.

25 138. The allegations in this Paragraph are legal conclusions which do not
26 require a response. To the extent such a response is required, Defendant responds:
27 Deny.
28

THIRD CLAIM FOR RELIEF

139. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

140. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

141. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

142. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

143. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

144. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

145. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

146. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

147. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

FOURTH CLAIM FOR RELIEF

148. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

149. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

150. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

151. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

152. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

153. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

154. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

155. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

156. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

1 157. The allegations in this Paragraph are legal conclusions which do not
2 require a response. To the extent such a response is required, Defendant responds:
3 Deny.

4 **FIFTH CLAIM FOR RELIEF**

5 158. The allegations in this Paragraph are legal conclusions which do not
6 require a response. To the extent such a response is required, Defendant responds:
7 Deny.

8 159. The allegations in this Paragraph are legal conclusions which do not
9 require a response. To the extent such a response is required, Defendant responds:
10 Deny.

11 160. The allegations in this Paragraph are legal conclusions which do not
12 require a response. To the extent such a response is required, Defendant responds:
13 Deny.

14 161. The allegations in this Paragraph are legal conclusions which do not
15 require a response. To the extent such a response is required, Defendant responds:
16 Deny.

17 162. The allegations in this Paragraph are legal conclusions which do not
18 require a response. To the extent such a response is required, Defendant responds:
19 Deny.

20 163. The allegations in this Paragraph are legal conclusions which do not
21 require a response. To the extent such a response is required, Defendant responds:
22 Deny.

23 **VII. RELIEF REQUESTED**

24 a. The allegations in this Paragraph are legal conclusions which do not
25 require a response. To the extent such a response is required, Defendant responds:
26 Deny.

27 b. The allegations in this Paragraph are legal conclusions which do not
28 require a response. To the extent such a response is required, Defendant responds:

1 Deny.

2 c. The allegations in this Paragraph are legal conclusions which do not
3 require a response. To the extent such a response is required, Defendant responds:

4 Deny.

5 d. The allegations in this Paragraph are legal conclusions which do not
6 require a response. To the extent such a response is required, Defendant responds:

7 Deny.

8 e. The allegations in this Paragraph are legal conclusions which do not
9 require a response. To the extent such a response is required, Defendant responds:

10 Deny.

11 f. The allegations in this Paragraph are legal conclusions which do not
12 require a response. To the extent such a response is required, Defendant responds:

13 Deny.

14 g. The allegations in this Paragraph are legal conclusions which do not
15 require a response. To the extent such a response is required, Defendant responds:

16 Deny.

17 h. The allegations in this Paragraph are legal conclusions which do not
18 require a response. To the extent such a response is required, Defendant responds:

19 Deny.

20 i. The allegations in this Paragraph are legal conclusions which do not
21 require a response. To the extent such a response is required, Defendant responds:

22 Deny.

23 j. The allegations in this Paragraph are legal conclusions which do not
24 require a response. To the extent such a response is required, Defendant responds:

25 Deny.

26 **FIRST AFFIRMATIVE DEFENSE**

27 **(Standing)**

28 164. As a first, separate, and affirmative defense to the Complaint,

1 Defendant alleges that Plaintiff's Complaint, in its entirety, is unenforceable and
2 void of legally required standing to constitute a cause of action against Defendant.

3 **SECOND AFFIRMATIVE DEFENSE**

4 **(Failure to State a Claim)**

5 165. As a second, separate, and affirmative defense to the Complaint,
6 Defendant alleges that neither the Plaintiff's Complaint, in its entirety, nor any
7 purported cause of action set forth therein, alleges facts sufficient to constitute a
8 cause of action against Defendant.

9 **THIRD AFFIRMATIVE DEFENSE**

10 **(Lack of Jurisdiction)**

11 166. As a third, separate, and affirmative defense to the Complaint,
12 Defendant alleges they are not in violation of any permit, standard, regulation,
13 condition, requirement, prohibition, or order contemplated by the laws and
14 regulations cited in the Complaint, and thus, this Court lacks jurisdiction over this
15 action.

16 **FOURTH AFFIRMATIVE DEFENSE**

17 **(Past Violations)**

18 167. As a fourth, separate, and affirmative defense to the Complaint,
19 Defendant is informed and believes, and on such information and belief, alleges that
20 to the extent that Plaintiff alleges only wholly past violations, these are not subject
21 to the citizen suit provisions of the Clean Water Act. 33 U.S.C. § 1365. Therefore,
22 this Court lacks jurisdiction over Plaintiff's First Cause of Action, and Plaintiff has
23 failed to state a claim upon which relief can be granted.

24 **FIFTH AFFIRMATIVE DEFENSE**

25 **(De Minimis Impact)**

26 168. As a fifth, separate, and affirmative defense to the Complaint,
27 Defendant is informed and believes, and on such information and belief, alleges that
28 this Court lacks subject matter jurisdiction because Defendant has made no impact

1 or, at most, a de minimis impact, to Waters of the United States to the extent there
2 has been a discharge to the Waters of the United States.

3 **SIXTH AFFIRMATIVE DEFENSE**

4 **(Laches)**

5 169. As a sixth, separate, and affirmative defense to Complaint, Defendant
6 alleges the Plaintiff delayed unreasonably in bringing the claims herein so as to
7 prejudice the Defendant's ability to defend against the claims in the Complaint and
8 that the claims are therefore barred.

9 **SEVENTH AFFIRMATIVE DEFENSE**

10 **(Eighth Amendment)**

11 170. As a seventh, separate, and affirmative defense to the Complaint,
12 Defendant alleges that Plaintiffs claims herein, and each and every cause of action
13 alleging damages to Plaintiff therein, under the Clean Water Act violate Defendant's
14 rights under the Eighth Amendment to the United States Constitution, which
15 prohibits the imposition of excessive fines. As applied in the manner requested by
16 Plaintiff, any imposed penalty would be so severe and oppressive as to be a manifest
17 violation of the constitutional prohibition of excessive fines and wholly
18 disproportionate to the alleged offense giving rise to any penalty.

19 **EIGHTH AFFIRMATIVE DEFENSE**

20 **(Statute of Limitations)**

21 171. As an eighth, separate, and affirmative defense to the Complaint,
22 Defendant alleges that any alleged past action of Defendant is barred by the
23 applicable statutes of limitations, including but not limited to 28 U.S.C. § 2462
24 which bars a claim "five years from the date when the claim first accrued."

25 **NINTH AFFIRMATIVE DEFENSE**

26 **(Third Parties)**

27 172. As a ninth, separate, and affirmative defense to the Complaint,
28 Defendant alleges they are not liable for any alleged violations caused by or

1 resulting from intervening acts of third parties not under Defendant's control, and if
2 the Clean Water Act requires that Defendant be liable for such acts, then
3 Defendant's rights to due process and equal protection under the Fifth and
4 Fourteenth Amendments to the United States Constitution have been violated.
5 Furthermore, any damage to Plaintiff or statutory violation, which Defendant denies,
6 is due to the acts or omissions of third parties for which Defendant is not liable.

7 **TENTH AFFIRMATIVE DEFENSE**

8 **(Intervening Act)**

9 173. As a tenth, separate, and affirmative defense to the Complaint,
10 Defendant alleges that they cannot be liable for any alleged violations caused by or
11 resulting from superseding intervening causes, and if the Clean Water Act requires
12 that Defendant be liable for such acts, then Defendant's rights to due process and
13 equal protection under the Fifth and Fourteenth Amendments to the United States
14 Constitution have been violated.

15 **ELEVENTH AFFIRMATIVE DEFENSE**

16 **(Reliance)**

17 174. As an Eleventh, separate, and affirmative defense to the Complaint,
18 Defendant alleges that Defendant is not liable for any acts or omissions undertaken
19 with the permission or at the direction of any governmental authority, including but
20 not limited to any acts or omissions in accordance with permits, regulations, and
21 laws, if any, applicable at the time of such acts or omissions. Furthermore, that
22 Defendant, at all times relative to the matters which form the subject of the
23 Complaint, acted in reliance upon the directions given to it by the pertinent
24 government regulators.

25 **TWELFTH AFFIRMATIVE DEFENSE**

26 **(Best Management Practices)**

27 175. As a twelfth, separate, and affirmative defense the Complaint,
28 Defendant is informed and believes and, based thereon, alleges that prior to the

1 commencement of this action, Defendant has adopted and implemented, to the
 2 extent feasible, best management practices, in accordance with the General Permit,
 3 and all other aspects of management and oversight, for the purposes of addressing
 4 alleged discharges.

5 **THIRTEENTH AFFIRMATIVE DEFENSE**

6 **(Reservation Upon Discovery)**

7 176. Defendant reserves the right to raise any other defense which may be
 8 legally warranted and that may arise as a result of discovery in this case.

9 **FOURTEENTH AFFIRMATIVE DEFENSE**

10 **(Notice)**

11 177. As a fourteenth, separate, and affirmative defense, Defendant is
 12 informed and believes and, based thereon, alleges that this Court lacks jurisdiction
 13 over the claims for relief presented in the Complaint that are based on alleged
 14 violations of the Clean Water Act, to the extent that Plaintiff has failed to comply
 15 with the notice provision set forth in 33 U.S.C. § 1365(b) and in Title 40 of the Code
 16 of Federal Regulations. Furthermore, Plaintiff's alleged notice letter fails to
 17 properly identify the pollutants allegedly discharged by Defendant and the specific
 18 dates the violations allegedly occurred.

19 **FIFTEENTH AFFIRMATIVE DEFENSE**

20 **(Cause)**

21 178. As a fifteenth, separate, and affirmative defense, Defendant is informed
 22 and believes and, based thereon, alleges that no act or omission by Defendant or its
 23 agents and employees was the actual cause or proximate cause of any injury alleged
 24 by Plaintiff in the Complaint.

25 **SIXTEENTH AFFIRMATIVE DEFENSE**

26 **(Conformed Conduct)**

27 179. As a sixteenth, separate, and affirmative defense, Defendant is
 28 informed and believes and, based thereon, alleges that all conduct and activities of

1 Defendant alleged in the Complaint conformed to statutes, government regulations
2 and BMPs, based on the state of knowledge existing at the times alleged in the
3 complaint.

4 **SEVENTEENTH AFFIRMATIVE DEFENSE**

5 **(Contributory Limit)**

6 180. As a seventeenth, separate, and affirmative defense, Defendant is
7 informed and believes and, based thereon, alleges that in the event that Defendant is
8 held responsible, in whole or in part, for any civil penalties or other monetary
9 award, and affirmative relief is granted against Defendant, then Defendant's liability
10 is limited to the proportion of its contribution to any alleged injury or harm.

11 **EIGHTEENTH AFFIRMATIVE DEFENSE**

12 **(Mootness)**

13 181. As an eighteenth, separate, and affirmative defense, Defendant is
14 informed and believes and based thereon, alleges that each cause of action therein is
15 barred by the doctrine of mootness. Defendant presently complies with all
16 applicable laws and regulations, and there is no reasonable likelihood that future
17 violation of such laws and regulations will occur.

18 **NINETEENTH AFFIRMATIVE DEFENSE**

19 **(Attorney Fees)**

20 182. As a nineteenth, separate, and affirmative defense, Defendant is
21 informed and believes and, based thereon, alleges that Plaintiff has neither facts nor
22 a legal basis sufficient for an award of statutory attorneys' fees, and Plaintiff is not
23 entitled to an award of attorneys' fees as a form of equitable relief.

24 **TWENTIETH AFFIRMATIVE DEFENSE**

25 **(Joinder)**

26 183. As a twentieth, separate, and affirmative defense, Defendant is
27 informed and believes and, based thereon, alleges that the Complaint and each cause
28 of action contained therein is barred because Plaintiff has failed to join necessary

1 and indispensable parties for a just adjudication of the claims raised in this
 2 proceeding.

3 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

4 **(Additional Unknown Defenses)**

5 184. As a twenty-first, separate, and affirmative defense, Defendant is
 6 alleges that Defendant presently has insufficient knowledge and information upon
 7 which to form a belief as to whether Defendant may have additional, as yet unstated,
 8 defenses. Accordingly, Defendant reserves the right to assert additional defenses in
 9 the event discovery and/or investigation reveals a factual and/or legal basis for such
 10 affirmative defenses.

11 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

12 **(Act of God)**

13 185. As a twenty-second, separate, and affirmative defense, Defendant is
 14 informed and believes, and on such information and belief alleges, that all alleged
 15 violations, alleged losses or alleged civil penalties, if any (all of which are expressly
 16 denied), were the direct and proximate result of an unavoidable incident or evolving
 17 environmental climate conditions and, as such, were an act of God without fault,
 18 liability or cause on the part of Defendant.

19 **JURY DEMAND**

20 Answering Defendant hereby demands trial by jury of any and all issues so
 21 triable.

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1 WHEREFORE, this answering Defendant prays for the following relief:

2 1. That Plaintiff take nothing by way of the Complaint;

3 2. That the Defendant be dismissed from this action with prejudice;

4 3. For Defendant's costs of suit herein; and

5 4. For such other and further relief as the Court may deem just and proper.

6 DATED: October 15, 2024

LEWIS BRISBOIS BISGAARD & SMITH LLP

7
8
9 By: /s/ Ryan Matthews

RYAN MATTHEWS

10 Attorneys for Defendant, ACCURATE
11 STEEL TREATING, INC.
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FEDERAL COURT PROOF OF SERVICE
Los Angeles Waterkeeper v. Accurate Steel Treating, Inc.
Case No. 2:24-cv-07503-SK

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to the action. My business address is 2020 West El Camino Avenue, Suite 700, Sacramento, CA 95833. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On October 15, 2024, I served the following document(s):

- ANSWER TO COMPLAINT

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

SEE ATTACHED SERVICE LIST

The documents were served by the following means:

☒ (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on October 15, 2024, at Sacramento, California.

/s/ Alicia Crespo
Alicia Crespo

SERVICE LIST
Los Angeles Waterkeeper v. Accurate Steel Treating, Inc.
Case No. 2:24-cv-07503-SK

William N. Carlon Law Office of William Carlon 437 Post Street Napa, CA 94559	Attorneys for Plaintiff, LOS ANGELES WATERKEEPER T: 530-514-4115 william@carlonlaw.com
Barak J Kamelgard Benjamin A. Harris Erina Kwon Los Angeles Waterkeeper 360 E 2 nd Street, Suite 250 Los Angeles, CA 90012	Attorneys for Plaintiff, LOS ANGELES WATERKEEPER T: 310-394-6162 barak@lawaterkeeper.org ben@lawaterkeeper.org erina@lawaterkeeper.org